

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE RULES AND RULEMAKING

Editor's Note: The following Notice of Proposed Rulemaking is exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 248.)

[R11-13]

PREAMBLE

1. The Register citation and dates for the Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any Notices of Supplemental Proposed Rulemaking, if applicable:

Notice of Rulemaking Docket Opening: 16 A.A.R. 1912, September 24, 2010

Notice of Proposed Rulemaking: 16 A.A.R. 1892, September 24, 2010

2. Sections Affected

Rulemaking Action

R1-1-102	Amend
R1-1-210	Amend
R1-1-212	Amend
R1-1-415	Amend
R1-1-502	Amend
R1-1-507	Amend
R1-1-602	Amend
R1-1-701	Amend
R1-1-801	Amend
R1-1-902	Amend

3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-1011

Implementing statutes: A.R.S. §§ 41-1001 through 41-1036

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name:	Scott Cancelosi Director, Public Services Division
Address:	Office of the Secretary of State 1700 W. Washington St., 7th Floor Phoenix, AZ 85007
Telephone:	(602) 542-0223
Fax:	(602) 542-4366
E-mail:	scancelosi@azsos.gov

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

The Office is amending the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity, and comply with mandated statutory updates.

The Office will focus on rules pertaining to office forms to assist with rule review under Laws 2010, Ch. 287 (H.B. 2260).

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Mandated additions for rule review include: whether the rules requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used; whether federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, the citation to the statutory authority to exceed the requirements of federal law; and whether a person submitted an analysis to the agency that compares the rules' impact of the competitiveness of business in this state to the impact on businesses in other states. If yes, an analysis will be filed with the rulemaking.

Other mandated amendments include updates under Laws 2010, Ch. 88 (H.B. 2209, § 3) which pertain to Notices of Agency Ombudsman filed with the Office.

6. An explanation of the substantial change which resulted in this supplemental notice:

Unless otherwise indicated, revisions were initiated by the Office.

<u>Section/subsection</u>	<u>Revision and reason</u>
Codification Outline	
R1-1-102(A)	E-mailed comments to the Office made by Mark Lewandowski, rules analyst for the Department of Environmental Quality, pointed out a sentence fragment in R1-1-102(A) that the Office corrected. The Office also included "recodified."
Notice of Agency Guidance Document; Notice of Substantive Policy Statement	
R1-1-210	Written comments to the Office made by John Lindley, rules analyst for the Department of Transportation, pointed out punctuation errors, which the Office corrected. Additionally, the office relabeled the notice requirements to be consistent with the amendments in the rest of the Chapter.
R1-1-210(A)(3)	Language to be stricken: "the same"
R1-1-210(C)	Added "form" per the definition of "notice form" in R1-1-101.
R1-1-210(D)(2)	Changed it from two copies to one.
Agency Ombudsman	
R1-1-212(A)	The Office added the definition of "ombudsman" to clarify the notice.
R1-1-212(D)	Subsections were relabeled to more accurately describe the Notice of Agency Ombudsman requirements.
R1-1-212(D)(2)	Reworded the subsection to better explain what is to be included in the form and how.
R1-1-212(E)(2)	Changed it from two copies to one copy.
Repeal of a Section; New Text – added to rulemaking	
R1-1-415	G.R.R.C. Attorney Scott Cooley in oral comments suggested clarification for the definition of a rulemaking action of repeal or amend for Articles and Parts. The Office agreed and amended R1-1-415 in response.
Notice of Proposed Rulemaking	
R1-1-502	Lindley, in written comments, suggested striking "notice" in R1-1-502(B). Additionally, he pointed out punctuation inconsistencies in the Section. The Office made corrections.
R1-1-502(B)(5)(a) and (b)	Cooley in oral comments suggested adding Articles and Parts to R1-1-507(B)(5)(b). The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-502(B)(5)(b)(i)	The Office added a reference to R1-1-415 for clarification between an amend and a repeal of an Article or Part heading.
R1-1-502(B)(5)(b)(ii)	In written comments, Lindley pointed out "that" was used where it should be "than." The Office made the correction.
R1-1-502(B)(7)	Revised "A list of" to "Citations to." Revised "to include the Register volume and page number" to R1-1-409(A), the rule that specifies how citations are written in the <i>Register</i> .
R1-1-502(B)(11)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made revision to subsection R1-1-502(B)(11) for consistency.
R1-1-502(B)(14)	Revised so language would be consistent in the sentence and with other rulemaking notices.
R1-1-502(B)(15)	Revised subsection to clarify that all agencies must address the first sentence of the question, while only agencies subject to Council review should answer the second sentence and its subsections.

Notices of Supplemental Proposed Rulemaking

<u>Section/subsection</u>	<u>Revision and reason</u>
R1-1-502(B)(15)(c)	Moved the language to include a copy of the analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states to R1-1-502(C).
R1-1-502(B)(18)(b), (c), and (d)	Added new subsections (b), (c), and (d) to clarify how to list the Title, Chapter, and if applicable, the Subchapter after the Preamble. Relabeled the subsection as necessary.
R1-1-502(B)(18)(e)	Revised fourth level subsections to make sense with subsection (e).
R1-1-502(B)(18)(e)(i)	Clarified that though Article and Part headings should be listed as long as Sections within the Article or Part have a rulemaking action, a rulemaking action on an Article heading or Part label is not necessary in order for them to be listed as applicable.
R1-1-502(B)(18)(e)(ii)	Changed the word "title" to "name"
R1-1-502(B)(18)(e)(iii) and (iv)	In written comments, Lewandowski made suggested amendments to as follows: "Current rule text being deleted or repealed shall be stricken" (<i>Editor's note: Words in bold indicate revised language.</i>) The Office agrees with the suggestion and also added a subsection for rule text being made as new text, R1-1-502(B)(18)(d)(iv).
R1-1-502(C)	Added a subsection for filing copies of analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states.
Notice of Supplemental Proposed Rulemaking	
R1-1-507(A)	Moved last sentence it to subsection (B)(6) using appropriate striking and underlining.
R1-1-507(B)(5)(a)	Revised "to include the Register volume and page number" to R1-1-409(A), the rule that specifies how citations are written in the <i>Register</i> .
R1-1-507(B)(5)(b)	Cooley in oral comments suggested adding Articles and Parts to this subsection. The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-507(B)(5)(h)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made revision in R1-1-507(B)(5)(h) for consistency.
R1-1-507(B)(5)(k)	Revised so language would be consistent with other rulemaking notices.
R1-1-507(B)(5)(l)	Revised subsection to clarify that all agencies must address the first sentence of the question, while only agencies subject to Council review should answer the second sentence and its subsections. Moved the part about including a copy of the analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states to R1-1-507(C). Made to match existing language.
R1-1-507(B)(6)	Added: <u>A supplemental notice shall contain every Section undergoing change from the current text in the Code, as if the supplemental notice were the agency's first version of the proposed rulemaking.</u>
R1-1-507(C)	Added a subsection for filing copies of analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states.
Notice of Final Rulemaking	
R1-1-602	In written comments, Lindley pointed out punctuation inconsistencies in the Section. The Office made corrections.
R1-1-602(B)(5)(a)	Cooley in oral comments suggested adding Articles and Parts to R1-1-507(B)(5)(b). The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-602(B)(5)(c)(i) and (ii)	Lindley, in written comments, pointed out an extra "the" in each of the subsections. The office removed the extraneous "the" from each subsection.
R1-1-602(B)(5)(d)	Revised "A list of" to "citations to." Also revised "to include the Register volume and page number" to R1-1-409(A), the rule that specifies how citations are written in the <i>Register</i> .
R1-1-602(B)(5)(h)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made the correction and for consistency made the correction in other rulemaking notices as well.
R1-1-602(B)(5)(g)	Corrected the subsection to reflect current existing language.

Notices of Supplemental Proposed Rulemaking

<u>Section/subsection</u>	<u>Revision and reason</u>
R1-1-602(B)(5)(l)	Revised subsection to clarify that all agencies must address the first sentence of the question, while only agencies subject to Council review should answer the second sentence and its subsections. Moved the part about including a copy of the analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states to R1-1-602(C).
R1-1-602(B)(5)(n)	Added: <u>If so, cite the notice published in the <i>Register</i> as specified in R1-1-409(A).</u>
R1-1-602(C)	Added a subsection for filing copies of analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states.
R1-1-602(C)(1)	Revised the subsection to better reflect existing language. Some of which is now in subsection (C)(4).
R1-1-602(C)(2)	In written and oral comments, Lindley suggested revising this subsection as the language about the Attorney General Certificate could be read different ways. The office has revised this subsection.
R1-1-602(C)(2)(b)	The Office revised "described" to "specified."
R1-1-602(D)	Added to make clearer the responsibilities of Council and the Attorney General for the filing of rules.
Notice of Emergency Rulemaking	
R1-1-701	Lindley pointed out punctuation inconsistencies in the Section, in written comments. The Office made corrections.
R1-1-701(B)(5)(a)	Cooley in oral comments suggested adding Articles and Parts to R1-1-507(B)(5)(b). The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-701(B)(5)(d)	Added striking to "renewal of." Additionally, the word "to" was added as shown in written comments by Lindley to read: "... that pertain to the record" The Office also revised "A list of all" to "Citations to" and revised "to include the Register volume and page number" to R1-1-409(A), the rule that specifies how citations are written in the <i>Register</i> .
R1-1-701(B)(5)(h)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made the revision in R1-1-701(B)(5)(h) for consistency.
R1-1-701(B)(5)(j)	Moved the language to include a copy of the analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states to R1-1-701(C).
R1-1-701(C)	Added a subsection for filing copies of analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states.
R1-1-701(C)(4)	Lindley showed the Section citation to R1-1-103 was written incorrectly, in written comments. The Office corrected the error.
R1-1-701(D)	The Office revised "described" to "specified."
R1-1-701(E)	In written and oral comments, Lindley stated there should be a change to this Section as the language about the Attorney General Certificate could be read different ways. The office has revised this subsection.
Notice of Summary Rulemaking	
R1-1-801	Lindley pointed out punctuation inconsistencies in the Section, in written comments. The Office made corrections.
R1-1-801(B)(5)	Lindley showed, in written comments, that "Proposed" was missing. The office corrected the omission to read: "The Preamble of the Notice of Proposed Summary"
R1-1-801(B)(5)(a)	Cooley in oral comments suggested adding Articles and Parts to R1-1-507(B)(5)(b). The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-801(B)(5)(e)	Corrected the subsection to reflect existing language.
R1-1-801(B)(5)(f)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made the revision in R1-1-801(B)(5)(f) for consistency.
R1-1-801(B)(5)(j)	Revised so language would be consistent with other rulemaking notices.

Notices of Supplemental Proposed Rulemaking

<u>Section/subsection</u>	<u>Revision and reason</u>
R1-1-801(B)(5)(l)	Revised subsection as all agencies able to file a summary rulemaking package are subject to Council review, therefore the specification of agencies reviewed by Council is not necessary. Moved the language to include a copy of the analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states to R1-1-701(C).
R1-1-801(D)(5)(a)	Cooley in oral comments suggested adding Articles and Parts to R1-1-507(B)(5)(b). The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-801(D)(5)(d)	Added missing "of" to sentence as suggested in written comments by Lindley and by the Office. Revised the subsection to reflect the language in other Sections to: <u>4.d. Citations to all related notices published in The the Register citation for the as specified in R1-1-109(A) that pertain to the record of the Notice of Proposed Final Summary Rulemaking package.</u>
R1-1-801(D)(5)(g)	Corrected the subsection to reflect existing language.
R1-1-801(D)(5)(h)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made the revision in R1-1-801(D)(5)(h) for consistency.
R1-1-801(D)(5)(l)	Revised subsection as all agencies able to file a summary rulemaking package are subject to Council review, therefore the specification of agencies reviewed by Council is unnecessary.
R1-1-801(E)	Added a subsection for filing copies of analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states. Added a subsection a Notice of Final Summary Rulemaking Council certificate.
R1-1-801(E)(6)	Deleted "subject to Council review" as all summary rulemakings are subject to Council review.
Notice of Exempt Rulemaking	
R1-1-902	Lindley pointed out punctuation inconsistencies in the Section, in written comments. The Office made corrections.
R1-1-902(B)(5)(a)	Cooley in oral comments suggested adding Articles and Parts to R1-1-507(B)(5)(b). The office agreed and for consistency added Articles and Parts to the other rulemaking Sections as well.
R1-1-902(B)(5)(d)	The Office revised "A list of" to "Citations to" and revised "to include the Register volume and page number" to R1-1-409(A), the rule that specifies how citations are written in the <i>Register</i> .
R1-1-902(B)(5)(f)	Reworded the subsection to match other notices on rulemaking.
R1-1-902(B)(5)(g)	Corrected the subsection to reflect current existing language.
R1-1-902(B)(5)(h)	E-mailed and oral comments from Lewandowski suggested in R1-1-602(B)(5)(h) to keep the text as "showing" because of usual and customary use of "showing" in legal terminology. The Office made the revision in R1-1-902(B)(5)(h) for consistency.
R1-1-902(B)(5)(j)	Reworded the subsection for consistency with other rulemaking notice Articles.
R1-1-902(B)(5)(l)	Revised subsection as a Notice of Exempt Rulemaking is not subject to Council review. Moved the language to include a copy of the analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states to R1-1-902(C).
R1-1-902(C)	Added a subsection for filing copies of analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states. Also added more specific rule references for the Agency Certificate.

Additionally, in an oral comment, Lewandowski requested a clarification between R1-1-408(L) and R1-1-409(B) in regards to the use of "A.A.C." before a Section reference in rule text. The Office will consider revising the Sections in a future rulemaking package. However, it was discussed that "A.A.C." should be used when citing a Section from the *Arizona Administrative Code* from an outside Chapter. For example, if within 18 A.A.C. 9, a citation to a Section in 18 A.A.C. 11 would be as follows (see R18-9-B301(B)):

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1. The quality of the water used for the test does not exceed an Aquifer Water Quality Standard or for non-drinking water pipelines, if reclaimed water is used, the reclaimed water meets Class A+ Reclaimed Water Quality Standards under A.A.C. R18-11-303 or Class B+ Reclaimed Water Quality Standards under A.A.C. R18-11-305;
7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
8. **The preliminary summary of the economic, small business, and consumer impact:**
These rule amendments will assist the Governor's Regulatory Review Council (G.R.R.C.) when reviewing rulemakings and related rulemaking documents.
These rule amendments will help state agencies comply with state law when agencies prepare rules for filing and publication.
The rules will have a minimal impact on the Secretary of State's Office.
9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
See item 4.
10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**
Oral and written comments will be accepted for 30 days after publication in the *Register* at the location listed in item 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, except state holidays and furlough days.
An oral proceeding will be scheduled if requested in writing to the attention of the person in item 4.
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
None
12. **Incorporations by reference and their location in the rules:**
None
13. **The full text of the changes follows:**

TITLE 1. RULES AND THE RULEMAKING PROCESS

**CHAPTER 1. SECRETARY OF STATE
RULES AND RULEMAKING**

ARTICLE 1. GENERAL PROVISIONS

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R1-1-102. Codification Outline

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

Section
R1-1-210. Notice of Agency Guidance Document; Notice of Substantive Policy Statement
R1-1-212. Agency Ombudsman

ARTICLE 4. RULE DRAFTING

Section
R1-1-415. ~~Repeal of a Rulemaking actions for an Article, Part, Section, Table, Appendix or Exhibit; New Text~~

ARTICLE 5. PROPOSED RULEMAKING

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R1-1-502. Notice of Proposed Rulemaking
R1-1-507. Notice of Supplemental Proposed Rulemaking

ARTICLE 6. FINAL RULEMAKING

Section
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ARTICLE 7. EMERGENCY RULEMAKING

Section
R1-1-701. Notice of Emergency Rulemaking

ARTICLE 8. SUMMARY RULEMAKING

Section
R1-1-801. Notice of Summary Rulemaking

ARTICLE 9. EXEMPT RULEMAKING

Section
R1-1-902. Notice of Exempt Rulemaking

ARTICLE 1. GENERAL PROVISIONS

R1-1-102. Codification Outline

A. ~~All rules filed with the Office and made, amended, renumbered, recodified, or repealed and filed with the Office after September 30, 1992, will be published in the Register or the Code, as appropriate under:~~

- ~~1. the The Act, or~~
- ~~2. under an exemption Exempt from all or part of the rulemaking process specified as required in:~~
 - ~~a. the The Act, or~~
 - ~~b. Arizona Revised Statute, or~~
 - ~~c. As provided in the Constitution of Arizona, and rules made under an exemption from the Act by other statutes and submitted to the Office after September 30, 1992,~~

B. ~~are Rules shall be organized published~~ within the following Titles:

- ~~1. Title 1. Rules and the Rulemaking Process~~
- ~~2. Title 2. Administration~~
- ~~3. Title 3. Agriculture~~
- ~~4. Title 4. Professions and Occupations~~
- ~~5. Title 5. Corrections~~
- ~~6. Title 6. Economic Security~~
- ~~7. Title 7. Education~~
- ~~8. Title 8. Emergency and Military Affairs~~
- ~~9. Title 9. Health Services~~
- ~~10. Title 10. Law~~
- ~~11. Title 11. Mines~~
- ~~12. Title 12. Natural Resources~~
- ~~13. Title 13. Public Safety~~
- ~~14. Title 14. Public Service Corporations; Corporations and Associations; Securities Regulation~~
- ~~15. Title 15. Revenue~~
- ~~16. Title 16. Tax Appeals~~
- ~~17. Title 17. Transportation~~
- ~~18. Title 18. Environmental Quality~~
- ~~19. Title 19. Alcohol, Horse and Dog Racing, Lottery, and Gaming~~
- ~~20. Title 20. Commerce, Banking, Financial Institutions, and Insurance~~

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

R1-1-210. Notice of Agency Guidance Document; Notice of Substantive Policy Statement

A. An agency shall submit to the Office a Notice of Agency Guidance Document under A.R.S. § 41-1013(B)(14) for publication in the *Register*. ~~This notice~~ A Notice of Agency Guidance Document shall contain:

- ~~1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF AGENCY GUIDANCE DOCUMENT, in all capital letters, centered on a line approximately one inch from the top of the page;~~
- ~~2. followed by the name of the agency below the notice heading and also On a centered on the line under the notice heading and in all capital letters, the name of the agency.~~
- ~~3. Under the agency name, followed by the items listed below in the same numbered order:~~
 - ~~1-a. Title of the guidance document and the guidance document number by which the document is referenced;~~
 - ~~2-b. Date of the publication of the guidance document and the effective date of the document if different from the publication date;~~
 - ~~3-c. Summary of the contents of the guidance document; and~~
 - ~~4-d. Statement as to whether the guidance document is a new document or a revision.~~
- e. The agency contact person who can answer questions about the agency guidance document. The information

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shall include the contact's:

- i. Name;
- ii. Address;
- iii. Area code and telephone number; and
- iv. Fax number, e-mail and web site addresses, if applicable.

- f. Information about where a person may obtain a copy of the guidance document and the costs for obtaining the guidance document.

B. An agency shall submit to the Office a Notice of Substantive Policy Statement, under A.R.S. § 41-1013(B)(14), for publication in the *Register*. ~~This notice~~ A Notice of Substantive Policy Statement shall contain:

- 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF SUBSTANTIVE POLICY STATEMENT; in all capital letters, centered on a line approximately one inch from the top of the page;
- 2. followed by the name of the agency below On a centered line under the notice heading and also centered on the line; and in all capital letters, the name of the agency.
- 3. Under the agency name, followed by the items listed below in the same numbered order:
 - 1-a. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced;
 - 2-b. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date;
 - 3-c. Summary of the contents of the substantive policy statement;
 - 4-d. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement; and
 - 5-e. Statement as to whether the substantive policy statement is a new statement or a revision.
- f. The agency contact person who can answer questions about the substantive policy statement. The information shall include the contact's:

- i. Name;
- ii. Address;
- iii. Area code and telephone number; and
- iv. Fax number, e-mail and web site addresses, if applicable.

- g. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement.

C. A notice form shall concern only one agency guidance document or substantive policy statement.

D. A Notice of Agency Guidance Document or a Notice of Substantive Policy Statement shall include:

- 1. Two agency receipts as specified in R1-1-106, and
- 2. An original and one copy of the completed notice form as specified in R1-1-103(B), (C), (E)(1), (6), and (7).

R1-1-212. Agency Ombudsman

A. An agency ~~shall designating~~ designate an agency ombudsman under A.R.S. § 41-1006. "Ombudsman" as used in this Section means the employee or employees designated by the agency to assist members of the public or regulated community.

B. An agency shall prepare and file a Notice of Agency shall submit the name of its ombudsman Ombudsman with the Office at least annually no later than February 1 December 31 of each year to the Office for publication in the Register.

C. An agency shall file only one notice per ombudsman.

D. The notice shall contain:

- 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF AGENCY OMBUDSMAN, in all capital letters, centered on a line approximately one inch from the top of the page followed by the items listed below
- 2. Under the notice heading, in the same numbered order:
 - 1-a. The agency's name;
 - 2-b. The Under the agency's name, list in numbered order the ombudsman's:
 - i. name Name;
 - 3-ii. The ombudsman's title Title;
 - iii. Agency division, if applicable;
 - 4-iv. The ombudsman's office Office address, to include the city, state, and including zip code; and
 - 5-v. The ombudsman's office Area code and telephone number, and fax number, and e-mail address, if available.

E. A Notice of Agency Ombudsman shall include:

- 1. Two agency receipts as specified in R1-1-106, and
- 2. An original and one copy of the completed notice form as specified in R1-1-103(B), (C), (E)(1), (6), and (7).

ARTICLE 4. RULE DRAFTING

R1-1-415. ~~Repeat of a Rulemaking actions for an Article, Part, Section, Table, Appendix or Exhibit; New Text~~

A. Agencies shall list rulemaking actions in the preamble of rulemaking packages as specified in R1-1-502(B)(5) and required in R1-1-103.

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B. Article or Part Headings Actions:

1. An agency that deletes language in an Article or Part heading in its entirety, with active Sections remaining under the Article or Part, shall list the rulemaking action to an Article or Part as “Amend.”
2. An agency that deletes language in an Article or Part heading in its entirety, without active Sections remaining under the Article or Part, shall list the rulemaking action to an Article or Part as “Repeal.”

C. Section, Table, Appendix or Exhibit Actions: ~~If an An~~ an agency that deletes the language in an existing Section, Table, Appendix or Exhibit and simultaneously inserts makes new language at the same Section, Table, Appendix or Exhibit number, the rulemaking action of the change listed in item #1 of the Preamble shall list the rulemaking action as be one of the following:

1. A “Repeal” and “New Section” or “New Table” or “New Appendix” or “New Exhibit” if both the text of the Section, Table, Appendix or Exhibit and the Section, Table, Appendix or Exhibit heading are completely changed; or
2. An “Amend” if the entire existing Section, Table, Appendix or Exhibit text is repealed, but the Section, Table, Appendix or Exhibit heading is not completely changed.

ARTICLE 5. PROPOSED RULEMAKING

R1-1-502. Notice of Proposed Rulemaking

A. ~~If an agency determines A~~ a proposed new Section, an amendment to a Section, or a repeal of an existing Section, or a renumbering renumber of a Section, meets the provisions of A.R.S. § 41-1022 and the Act, the agency shall prepare when other changes are also being made, submitted for publication in the Register shall be part of a Notice of Proposed Rulemaking as prescribed in this Section. Questions, answers, and other information required to appear in the Preamble of the Notice of Proposed Rulemaking shall appear in the proper order. No question on the notice may be answered “See attached.” Supplemental pages may not be used.

B. ~~The A notice~~ Notice of Proposed Rulemaking shall contain:

1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
2. On a centered line under the notice heading, the agency’s Code followed by the Title; its number; and heading centered on the line under the notice heading;
3. On a centered line under the Title number and heading, the agency’s Code followed by the Subchapter, its label and heading (if applicable) centered on the line under the Title; followed by the Chapter, its number and heading centered on the line under the Title;
4. If applicable, on a centered line under the Chapter number and heading, the agency’s Code Subchapter label and heading.
5. On a centered line under the Chapter heading or Subchapter label, whichever is applicable, followed by the word heading in all capital letters and underlined, PREAMBLE in all capital letters, on a line under the Chapter; The Preamble of the Notice of Proposed Rulemaking shall include followed by the items listed below in the same numbered order:

~~1-a. The In~~ In two columns a list of Articles, Parts, or Sections Affected affected and the Rulemaking rulemaking Action action of each Article, Part, or Section affected in two columns;

~~a-b. In the The~~ The first column shall contain the heading “Articles, Parts, and Sections Affected” under, each Section upon which shall list in sequential and numerical order; rulemaking activity is being proposed shall appear in numerical order under the heading “Sections Affected.”

- i. If an Article Articles or Part Parts affected if is involved in the rulemaking because its an Article heading or Part label or heading is being made, repealed, added, amended; or repealed as specified in R1-1-415, or renumbered, the Article and its label or the Part and its label shall appear in this list in its appropriate order immediately preceding the Sections contained in that Article or Part. Article headings or Part labels shall be listed multiple times, each on a separate line, if the Article or Part has more than one rulemaking action. Article headings or Part labels that do not have a rulemaking action directly applied to the headings or labels shall not be listed.
- ii. Under each Article or Part affected in subsection (B)(5)(a)(i), if applicable, shall be a list of Section numbers of Sections being made, amended, repealed or renumbered. Section numbers shall be listed multiple times, each on a separate line, if the Section has more than one rulemaking action applied to it. A Section that currently exists but has no rulemaking action applied to the Section shall not be listed.
- iii. Sections, Parts, and Articles shall not be grouped together in this column; each Section, Part, or Article shall appear individually.
- iii. If an existing Section is being repealed and new text is being made at that number or if the text of an existing Section is being renumbered and new text, either totally new language or text renumbered from another Section, is being placed at that number, the Section number will appear multiple times with the appropriate individual actions appearing in the second column.
- iv. A Section not containing text before the rulemaking and not having text added by the rulemaking shall not appear in this column.

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- b-c. ~~In the~~ The second column, shall contain the rulemaking activity occurring on each Section shall be specified directly across from and on the same line as the Section number under the heading "Rulemaking Action:" under which will be listed the rulemaking activity being applied to each Article, Part or Section listed in the first column. If an existing Section is being repealed and new text made at that number, the Section number shall appear twice in the first column and each specific individual action shall appear in the second column. i. A Section that:
- i. ~~contains~~ Has no text because # the Section was previously reserved, repealed, or renumbered cannot be have a rulemaking action listed as amended, renumbered, or recodified. A previously repealed Section cannot be repealed again unless new text has subsequently been made at the Section number.
 - ii. ~~If a Section has~~ Has more than one rulemaking action on it in a rulemaking applied to the Section, shall the listing list the actions, each on a separate line, order in the second column shall be as follows: repeal, renumber, and new Section, or amend.
- 2-6. ~~The Citations to the agency's specific statutory rulemaking authority for the rulemaking, to including include both the authorizing statute (general) and the implementing statute (specific);.~~
- 3-7. ~~A list of Citations to all previous related notices appearing published in the Register addressing as specified in R1-1-409(A) that pertain to the record of the proposed rule;.~~
- 4-8. ~~The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:~~
- a. ~~name Name; and~~
 - b. ~~address Address; of agency personnel with whom persons may communicate regarding the rulemaking;~~
 - c. ~~Area code and telephone number; and~~
 - d. ~~Fax number, e-mail and web site addresses, if applicable.~~
- 5-9. ~~An agency's justification and reason why a rule should be made, amended, repealed or renumbered explanation of the rule, to including include an explanation about the agency's reasons for initiating the rulemaking;.~~
- 6-10. ~~A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;.~~
- 7-11. ~~A showing of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;.~~
- 8-12. ~~The preliminary summary of the economic, small business, and consumer impact;.~~
- 9-13. ~~The agency's contact person who can answer questions about the economic, small business, and consumer impact statement. This information shall include the contact's:~~
- a. ~~name Name; and~~
 - b. ~~address Address; of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;~~
 - c. ~~Area code and telephone number; and~~
 - d. ~~Fax number, e-mail and web site addresses, if applicable.~~
- 10-14. ~~The time, place, and nature of the proceedings for the making, amendment to make, amend, or repeal, or renumber of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule;.~~
- 11-15. ~~Any All agencies shall list any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and, Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:~~
- a. ~~Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;~~
 - b. ~~Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and~~
 - c. ~~Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.~~
- 12-16. ~~A list of Any any material incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules.~~
- 13-17. ~~The phrase "The full text of the rules follows:".~~
18. ~~The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. The text of the rules shall contain in sequential order:~~
- a. ~~The first item in the text shall be a table of contents for the Chapter showing the label and heading for Under the Preamble, on a centered line, the agency's Code Title number and heading.~~
 - b. ~~On a centered line under the Title number and heading, the agency's Code Chapter number and heading.~~
 - c. ~~If applicable, on a centered line under the Chapter number and heading, the agency's Subchapter label and heading.~~
 - d. ~~Under the Chapter or Subchapter heading, whichever is applicable, shall be a list as prescribed in subsections (B)(18)(d)(i) through (iv): each Article and each Section involved in the proposed rulemaking.~~

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- i. On a centered line under the Chapter number and its heading, list the first Article number and its heading that has Sections undergoing a rulemaking action or with Article heading text being made, amended, renumbered, or repealed.
- ii. If applicable, on a centered line under the Article number and its heading, list the Part number and its label with Sections undergoing a rulemaking action or with Part label text being made, amended, renumbered or repealed.
- iii. Under the Article heading, or Part label if applicable, at the left margin, list the Section numbers and their headings for those Sections undergoing a rulemaking action. A Section shall not be listed if the Section does not have a rulemaking action assigned to the Section.
- iv. A Chapter, Subchapter, Article, Part or Section heading with text being made, amended, renumbered or repealed shall have the text written as described in R1-1-502(18)(e)(iii) and (iv).
- b-e. Under the list in subsection (B)(18)(d) the next page shall be The the full text of the Sections on which rulemaking is taking place shall begin on the next page after the table of contents being made, amended, repealed or renumbered. The text shall:
 - i. Include, if applicable, in sequential and numerical order, Articles Article numbers and their headings, and Parts Part and their headings if applicable, shall appear in labels and their headings if any of the Sections within the Article or Part are their proper place in the text even when only a portion of the Article or Part is involved in the rulemaking package being made, amended, repealed, or renumbered or if the heading of the Article or Part is undergoing a rulemaking action. The text shall appear as follows:
 - i-ii. Include Section numbers listed in numerical order that follow the numbering scheme in R1-1-403. A Section shall always contain a heading, whether it is to specify the name of a rule, or to label the Section as renumbered or repealed. If the rulemaking package consists of all new rules, the text of the rules shall be properly labeled, in numerical order by Section number, and shall indicate Articles and Parts and their labels and headings. New Section numbers, headings, and text shall be underlined. If a currently existing Section number numbers currently exists in the Code, it shall not be underlined.
 - ii. If the rulemaking package consists of only repeals of existing complete Sections, the full text of the Sections being repealed shall appear in numerical order by Section number and shall indicate Articles and Parts including their labels and headings. Repealed Section headings and text shall be stricken. The Section numbers of repealed Sections shall not be stricken.
 - iii. Specify current rule text being deleted or repealed as stricken.
 - iv. Specify rule text being made as new text as underlined.
 - iii-v. If the rulemaking package consists of amended Sections or a combination of amended Sections, new Sections, and repealed Sections, the full text of all Sections on which rulemaking action is occurring shall appear with underlining indicating new language and strike-outs indicating repealed language. Within a Section, have stricken text shall appear before new, underlined text.
- e-f. An agency amending that amends some but not all of the subsections in a Section may list the subsections not being amended by the subsection label only and the words "No change." Each level of subsection designated as having no change shall be individually noted labeled. Subsections shall not be grouped together.
- d-g. If an An agency that is renumbering renumbers an existing Section, the agency shall show strike the current Section number with strike-outs, and the The new Section number shall be underlined immediately beside next to the current stricken number. Renumbered rules Sections shall appear in the text at the location of their new numbers be in numerical order with the text of the rule at the location of the new Section number. If the only action being taken on a Section is to renumber it, immediately under the Section number and its heading shall appear the words "No Change" to indicate that the text is not changing being amended. If an existing Section is renumbered and no text is added made, amended, or repealed at the current Section number, the current Section number shall appear be listed in its proper numerical order with strike-outs through the old heading but not through the Section number, and with a the new heading underlined and labeled "Renumbered," shall be added with underlining.

C. A proposed rulemaking package shall include:

1. Two agency receipts as specified in R1-1-106;
2. An original and two copies of the agency certificate as specified in R1-1-105;
3. An original and two copies of the rulemaking package as specified in R1-1-103; and
4. An agency subject to Council review that received an analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.

R1-1-507. Notice of Supplemental Proposed Rulemaking

- A. If an agency determines it meets the requirements of A.R.S. § 41-1022(E) and that a filed and published proposed rule requires substantial change due to either internal review or public comments, the agency shall prepare a supplemental notice Notice of Supplemental Proposed Rulemaking for publication in the Register as prescribed in this Section. A supplemental notice shall contain every Section undergoing change from the current text in the Code, as if the supplemental notice were the agency's first version of the proposed rule.
- B. The supplemental notice A Notice of Supplemental Proposed Rulemaking shall contain:

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1. On a centered line one inch from the top of the page, the heading, in all capital letters, NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING in all capital letters, located one inch from the top of the page;
2. followed by the On a centered line under the notice heading, the agency's Code Title, its number; and heading below the notice heading;
3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number; and heading below the Title;
4. If applicable, on a centered line under the Chapter number and heading, the agency's Code followed by the Subchapter, its label; and heading below the Chapter, if applicable;
5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, followed by the word heading in all capital letters and underlined, PREAMBLE in all capital letters, below the Chapter or Subchapter, all of which shall be centered on their respective lines. The Preamble of the Notice of Supplemental Proposed Rulemaking shall include, followed by the items listed below in the same numbered order:
 - 1-a. The Register citations Citations to the agency's and dates for the Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking, if applicable; as published in the Register as specified in R1-1-409(A). A list of any other related notices published in the Register as specified in R1-1-409(A).
 - 2-b. The A list of Articles, Parts, or Sections Affected affected and the Rulemaking Action rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(4) R1-1-502(B)(5);
 - 3-c. The Citations to the agency's specific statutory rulemaking authority for the rulemaking to including include both the authorizing statute (general) and the implementing statute (specific);
 - 4-d. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 5-e. An agency's justification and reason why a explanation of the rule should be made, amended, repealed, or renumbered, to including include the agency's reasons for initiating an explanation about the rulemaking;
 - f. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
 - 6-g. An explanation of the substantial change that resulted in the supplemental notice;
 - 7-h. A showing of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision;
 - 8-i. The preliminary summary of the economic, small business, and consumer impact;
 - 9-j. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 10-k. The time, place, and nature of the oral proceedings for the to making, make, amendment, amend, or repeal, or renumber of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the supplemental proposed rule;
 - 11-l. Any All agencies shall list any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules; and, Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - 12-m. A list of Any any material incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the text rules.
 - 13-n. The phrase "The full text of the rules follows:".
6. The full text of the changes rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(18). A supplemental notice shall contain every Section undergoing change from the current text in the Code, as if the supplemental notice were the agency's first version of the

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proposed rulemaking.

C. A supplemental proposed rulemaking package shall include:

1. Two agency receipts as specified in R1-1-106;
2. An original and two copies of the agency certificate as specified in R1-1-105;
3. An original and two copies of the rulemaking package as specified in R1-1-103; and
4. An agency subject to Council review that received an analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.

ARTICLE 6. FINAL RULEMAKING

R1-1-602. Notice of Final Rulemaking

A. If an agency determines it meets the requirements of A.R.S. § 41-1024 and other requirements in the Act an agency shall prepare a Notice of Final Rulemaking as prescribed in this Section.

A-B. A Notice of Final Rulemaking shall contain:

1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF FINAL RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
2. followed by the On a centered line under the notice heading, the agency's Code Title, its number, and heading centered on a line under the notice heading;
3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number, and heading centered on a line below the Title;
4. If applicable, on a centered line under the Chapter number and heading, the agency's Code followed by the Subchapter, its label, and heading centered on a line below the Chapter, if applicable;
5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Final Rulemaking shall include, followed by the items listed below in the same numbered order:
 - 1-a. The A list of Articles, Parts, or Sections Affected affected and the Rulemaking Action rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(1) R1-1-502(B)(5);
 - 2-b. The Citations to the agency's specific statutory rulemaking authority for the rulemaking, to including include both the authorizing statute (general) and the implementing statute (specific);
 - 3-c. The effective date of the rule; If an agency specifies a date:
 - a-i. If the effective date is earlier Earlier than the 60 days day effective date as specified in A.R.S. § 41-1032(A), after the date the final rule is filed with the Office, an agency shall specify include the earlier date, along with and state the reason for the or reasons it selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5); or
 - b-ii. If the effective date is later Later than the 60 days day effective date as specified in A.R.S. § 41-1032(A), after the date the final rule is filed with the Office, an agency shall specify include the later date, along with and state the reason for the or reasons it selected the later effective date as provided in A.R.S. § 41-1032(B);
 - 4-d. A list of Citations to all previous related notices appearing published in the Register addressing as specified in R1-1-409(A) that pertain to the record of the final rule rulemaking package;
 - 5-e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 6-f. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, to including include an explanation about the agency's reasons for initiating the rulemaking;
 - 7-g. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 8-h. A showing of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - 9-i. A summary of the economic, small business, and consumer impact;
 - 10-j. A description of the any changes between the proposed rule rulemaking, to including include supplemental notices, and the final rule rulemaking;
 - 11-k. An agency's A summary of the public or stakeholder comments made regarding about the rule rulemaking and the agency response to them the comments;
 - 12-l. Any All agencies shall list any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and, Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

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- i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - ~~13-m.~~ A list of ~~Any~~ ~~any~~ material incorporated by reference ~~material~~ as specified in A.R.S. § 41-1028 and its location in the ~~text~~ rule;
 - ~~14-n.~~ Whether the rule was previously made, amended or repealed as an emergency rule, and, if ~~If~~ so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state ~~whether~~ where the text was changed between the ~~making~~ as an emergency and the ~~making~~ of the final rule rulemaking packages; and
 - ~~15-o.~~ The phrase "The full text of the rules follows:".
 6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(18).
- ~~B-C.~~** An original ~~A~~ final rulemaking package submitted to the Office for filing and publication shall include:
- ~~1. two~~ Two copies of the agency receipt receipts as specified in R1-1-106; one copy of incorporated by reference material, and the original and two copies of the rulemaking package, including the following documents:
 2. A An original and two copies of the certificate of approval of the rules from either the:
 - a. by Council, if the rules are subject to Council review as specified in R1-1-105; or
 - ~~3-b.~~ A certificate of approval from the Attorney General, if the rules are subject to Attorney General review as specified in R1-1-105.
 - ~~1-3.~~ An original and two copies of the agency certificate as specified in R1-1-105;
 4. An original and two copies of the rulemaking package as specified in R1-1-103;
 - ~~4-5.~~ The ~~An~~ economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; if applicable; and
 6. An agency subject to Council review that received an analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- ~~D.~~** If the Notice of Final Rulemaking is subject to review by:
1. Council, the Council shall file the final rulemaking package, to include all documents listed under subsection (C), with the Office as specified in R1-1-601(A).
 2. The Attorney General, the Attorney General shall file the final rulemaking package, to include all documents listed under subsection (C), with the Office as specified in R1-1-601(C).

ARTICLE 7. EMERGENCY RULEMAKING

R1-1-701. Notice of Emergency Rulemaking

- A.** If an agency determines ~~that~~ a proposed new Section, an amendment to a Section, or a repeal of an existing Section ~~falls~~ meets within the emergency provisions of A.R.S. § 41-1026, the agency shall prepare a Notice of Emergency Rulemaking; as prescribed in this Section.
- B.** The ~~A~~ Notice of Emergency Rulemaking shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF EMERGENCY RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page;
 2. followed by the On a centered line under the notice heading, the agency's Code Title, its number, and heading, centered on a line below the notice heading;
 3. followed by the On a centered line under the Title, the agency's Code Chapter, its number, and heading, centered on a line below the Title;
 4. If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the Subchapter, its label, and heading, if applicable;
 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Emergency Rulemaking shall include, followed by the items listed below in the same numbered order:
 - ~~1-a.~~ The ~~A~~ list of Articles, Parts, or Sections Affected affected and the Rulemaking Action rulemaking action of each Article, Part, or Section affected in two columns, as specified in ~~R1-1-502(B)(1)~~ R1-1-502(B)(5);
 - ~~2-b.~~ The Citations to the agency's specific statutory rulemaking authority for the rulemaking to including include both the authorizing statute (general) and the implementing statute (specific);
 - ~~3-c.~~ The effective date of the rule; If an agency specifies a date:
 - a.i. If the effective date is earlier Earlier than the 60 days day effective date as specified in A.R.S. § 41-1032(A) after the date the final rule is filed with the Office, an agency shall specify include the earlier date, along with and state the reason for the or reasons it selected the earlier effective date; as provided in A.R.S. § 41-1032(B), or

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- ~~b-ii.~~ If the effective date is later Later than the 60 days day effective date as specified in A.R.S. § 41-1032(A) after the date the final rule is filed with the Office, an agency shall specify include the date, along with and state the reason for the or reasons it selected the later effective date as provided in A.R.S. § 41-1032(B).
- ~~4-d.~~ Citations to all related Whether the rulemaking is a renewal of a previous emergency rulemaking notices and, if so, published in the Register as specified in R1-1-409(A) that pertain to the record of citation to the previous this notice of emergency rulemaking and the Register issue date.
- ~~5-e.~~ The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
- ~~i.~~ name Name; and
 - ~~ii.~~ address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - ~~iii.~~ Area code and telephone number; and
 - ~~iv.~~ Fax number, e-mail and web site addresses, if applicable.
- ~~6-f.~~ An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, to including include an explanation about the agency's reasons for initiating the rulemaking.
- ~~g.~~ A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
- ~~7-h.~~ A showing of good cause why the ~~rule~~ rulemaking is necessary to promote a statewide interest if the ~~rule~~ rule-making will diminish a previous grant of authority of a political subdivision of this state.
- ~~8-i.~~ The A summary of the economic, small business, and consumer impact summary.
- ~~9-j.~~ Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include but are not limited to:
- ~~i.~~ Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ~~ii.~~ Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - ~~iii.~~ Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
- ~~10-k.~~ A list of Any any material incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the text rule.
- ~~11-l.~~ An agency explanation of about the situation justifying the rule's making rulemaking as an emergency rule.
- ~~12-m.~~ The date of the Attorney General's General approval approved of the rule; and.
- ~~13-n.~~ The phrase "The full text of the rules follows:".
- ~~6.~~ The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(13)~~ R1-1-502(B)(18).
- ~~B-C.~~ An agency shall submit the an emergency rulemaking package to the Attorney General for approval review. The package shall contain an agency certificate as specified in R1-1-105(A) before filing the rules with the Office and two copies of a receipt form as specified in R1-1-106.
- ~~C-D.~~ The Attorney General shall indicate approval of the emergency rulemaking package by signing prepare a certificate of approval as specified in R1-1-105.
- ~~E.~~ A emergency rulemaking package shall include:
- ~~1.~~ Two agency receipts as specified in R1-1-106;
 - ~~2.~~ An original and two copies of the agency certificate as specified in R1-1-105;
 - ~~3.~~ An original and two copies of the certificate of approval or disapproval from the Attorney General as specified in subsection (D).
 - ~~4.~~ An original and two copies of the rulemaking package as specified in R1-1-103;
 - ~~5.~~ An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; and
 - ~~6.~~ An agency that received an analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- ~~F.~~ The Attorney General which shall be attached to the first page of the original of the notice, and shall forward the original and two copies of the rules to file the emergency rulemaking package, to include all documents listed under subsection (E), with the Office. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a certificate of disapproval and attach it to the package. If the rulemaking contains more than one Section, and the Attorney General approves at least one Section and disapproves at least one Section, the Attorney General shall attach a certificate of approval and a certificate of disapproval to the rules.
- ~~D-G.~~ Emergency rules are effective in effect for 180 days and may be renewed for an additional 180-day period, under the provisions of A.R.S. § 41-1026.
- ~~E-H.~~ Emergency rules may be renewed for an additional 180-day period under the provisions of A.R.S. § 41-1026. If an agency amends the text of a rule renewed emergency rule differs from the text of the previous emergency rule, the agency shall submit to the Office, at the time of filing the renewed emergency rule, prepare a list of every change amendment

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made to the renewed emergency rule ~~since the previous emergency rule was made. The list of amendments shall be included and attached to the renewal notice when filed with the Office.~~

- ~~F. An agency shall prepare a notice of renewal of an emergency rule in the manner prescribed in this Section.~~

ARTICLE 8. SUMMARY RULEMAKING

R1-1-801. Notice of Summary Rulemaking

- A. If an agency determines it meets the requirements of A.R.S. § 41-1027 and other requirements in the Act an agency shall prepare a Notice of Summary Rulemaking as prescribed in this Section.

- ~~A.B. When submitting a proposed summary rule to the Office for filing and for publication in the Register, an agency shall prepare a~~ A Notice of Proposed Summary Rulemaking shall contain:

1. On a centered line one inch from the top of the page, The Notice shall include the heading in all capital letters, NOTICE OF PROPOSED SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
2. followed by the On a centered line under the notice heading, the agency's Code Title, its number and heading centered on the line under the notice heading;
3. On a centered line below the Title number and heading, the agency's Code followed by the Chapter, its number; and heading centered below the Title;
4. If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the Subchapter, its label and heading centered below the Chapter, if applicable;
5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Proposed Summary Rulemaking shall include, followed by the items listed below in the same numbered order:
 - 1-a. The A list of the Articles, Parts, or Sections Affected affected and the Rulemaking Action rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(1) R1-1-502(B)(5);
 - 2-b. The Citations to the agency's statutory rulemaking authority for the rulemaking; to including include both the authorizing statute (general) and the implementing statute (specific);
 - 3-c. The interim effective date of the summary rule as specified in A.R.S. § 41-1027(D);
 - 4-d. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 5-e. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rulemaking, to including include an explanation about the agency's reasons for initiating the rulemaking;
 - 6-f. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - 7-g. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 8-h. If required, The a preliminary summary of the economic, small business, and consumer impact, if required or If not required, a statement of exemption under A.R.S. § 41-1055(D);
 - 9-i. The Agency personnel to contact about the accuracy of the summary of the economic, small business, and consumer impact statement. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the accuracy of the summary of the economic, small business, and consumer impact statement;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 10-j. The time, place, and nature of the proceedings for the to make, amendment amend, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed summary rule or rules;
 - 11-k. An A explanation of justification to why the use of summary proceedings are justified;
 - 12-l. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and, Additional matters shall include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and

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- iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
- ~~13-m.~~ The phrase "The full text of the rules follows:".
6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in ~~R1-1-502(B)(13)~~ R1-1-502(B)(18).
- ~~B.C.~~ Within 90 days after publication in the Register and after consideration of any comments, an If an agency determines it meets the requirements in A.R.S. § 41-1027(A) through (E) it shall prepare a Notice of Final Summary Rulemaking. An agency shall, within 90 days after publication in the Register and after consideration of any comments, submit to the Council its final summary rule, along with the Preamble, concise explanatory statement, and economic, small business, and consumer impact statement.
- ~~C.D.~~ An agency shall submit a summary rulemaking package to the Council as specified in subsection (B). The A Notice of Final Summary Rulemaking shall ~~include~~ contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF FINAL SUMMARY RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
 2. followed by the On a centered line under the notice heading, the agency's Code Title, its number and heading centered under the notice heading;
 3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number; and heading centered below the Title;
 4. If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the Subchapter, its label and heading, if applicable, centered on a line below the Chapter;
 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters, centered below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Final Summary Rulemaking shall include, followed by the items listed below in the same numbered order:
 - ~~1-a.~~ The A list of Articles, Parts, or Sections Affected affected and the Rulemaking Action rulemaking action of each Article, Part, or Section affected in two columns as specified in ~~R1-1-502(B)(4)~~ R1-1-502(B)(5);
 - ~~2-b.~~ The Citations to the agency's statutory rulemaking authority for the rulemaking, to including include both the authorizing statute (general) and the implementing statute (specific);
 - ~~3-c.~~ The permanent effective date of the summary rule as specified in A.R.S. § 41-1027(D);
 - ~~4-d.~~ Citations to all related notices published in The the Register citation for the as specified in R1-1-409(A) that pertain to the record of the Notice of Proposed Final Summary Rulemaking package;
 - ~~5-e.~~ The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - ~~6-f.~~ An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, to include an explanation about and the agency's reasons for initiating the rule rulemaking;
 - ~~7-g.~~ A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - ~~8-h.~~ A showing of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - ~~9-i.~~ If required, A a summary of the economic, small business, and consumer impact, if required or If not required, a statement of exemption under A.R.S. § 41-1055(D);
 - ~~10-j.~~ A description of the any changes between the proposed summary rule rulemaking and the final summary rule rulemaking;
 - ~~11-k.~~ A An agency's summary of the public or stakeholder comments made regarding about the rule rulemaking and the agency response to them the comments;
 - ~~12-l.~~ Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and, Additional matters include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
- ~~13-m.~~ The phrase "The full text of the rules follows:".
6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble

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and contain the text as specified in R1-1-502(B)(18).

E. A summary rulemaking package shall include:

1. Two agency receipts as specified in R1-1-106;
2. An original and two copies of the agency certificate as specified in R1-1-105;
3. If the notice is a Notice of Final Summary Rulemaking, an original and two copies of Council's certificate of approval as specified in R1-1-105.
4. An original and two copies of the rulemaking package as specified in R1-1-103;
5. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; and
6. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.

~~**D-E.**~~ After the Council approves the final summary rule, the Council shall ~~attach its certificate of approval to the original of the final summary rulemaking package and submit one original and two copies of the~~ file the final summary rulemaking package, to include all documents listed in subsection (E) with the Office.

ARTICLE 9. EXEMPT RULEMAKING

R1-1-902. Notice of Exempt Rulemaking

A. If an agency determines it meets the requirements of A.R.S. §§ 41-1005 and 41-1057, or has been given a statutory exemption, an agency shall prepare a Notice of Exempt Rulemaking as prescribed in this Section.

~~**A-B.**~~ A Notice of Exempt Rulemaking shall contain:

1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF EXEMPT RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page;
2. followed by the On a centered line under the notice heading, the agency's Code Title, its label, number and heading centered on a line below the notice heading;
3. On a centered line under the Title number and heading the agency's Code followed by the Chapter, its label, number and heading centered on a line below the Title;
4. If applicable, on a centered line under the Chapter number and heading the agency's Code followed by the Subchapter, its label; and heading centered on a line below the Chapter, if applicable;
5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, followed by the term heading in all capital letters and underlined, PREAMBLE in all capital letters, centered on a line below the Chapter or Subchapter, whichever is applicable; The Preamble of the Notice of Exempt Rulemaking shall include followed by the items listed below in the same numbered order:
 - 1-a. The A list of Articles, Parts, or Sections Affected affected and the Rulemaking Action rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(4) R1-1-502(B)(5);
 - 2-b. The Citations to the agency's specific statutory rulemaking authority for the rulemaking including to include:
 - i. the The authorizing statute (general),
 - ii. the The implementing statute (specific), and
 - iii. the The statute or session law authorizing the exemption;
 - 3-c. The effective date for of the rule and the agency's reason it selected the effective date;
 - 4-d. A list of all previous notices published in the Register addressing as specified in R1-1-409(A) that pertain to the record of the exempt rule rulemaking;
 - 5-e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. name Name; and
 - ii. address Address of agency personnel with whom persons may communicate regarding the rulemaking;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - 6-f. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered explanation of the rule, including the agency's reasons for initiating to include an explanation about the rulemaking;
 - 7-g. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material;
 - 8-h. A showing of good cause why the rule rulemaking is necessary to promote a statewide interest if the rule rulemaking will diminish a previous grant of authority of a political subdivision of this state;
 - 9-i. The summary of the economic, small business, and consumer impact, if applicable;
 - 10-j. A description of the any changes between the proposed rule rulemaking, including any supplemental proposed notices rulemaking, and the final rule rulemaking, (if applicable);
 - 11-k. A An agency's summary of the public or stakeholder comments made regarding about the rule rulemaking and the agency response to them the comments, if applicable;
 - 12-l. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules; and. When applicable, matters shall include, but not be limited to:

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- i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
- ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
- iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
- ~~13-m. A list of Any any material incorporated by reference material and its location in the text rule;~~
- ~~14-n. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule, and, if so, If so, the agency shall state whether where the text was changed between the making as an emergency and the making of the exempt rules rulemaking packages;~~
- ~~15-o. The phrase "The full text of the rules follows:".~~
- 6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(18).
- ~~B.C.~~ An original exempt rulemaking package submitted to the Office for filing and publication shall include: ~~an agency certificate as specified in R1-1-105 and an agency receipt as specified in R1-1-106.~~
 - 1. Two agency receipts as specified in R1-1-106;
 - 2. An original and two copies of the agency certificate as specified in R1-1-105;
 - 3. An original and two copies of the rulemaking package as specified in R1-1-103;
 - 4. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; and
 - 5. An agency that received an analysis comparing the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- ~~C.~~ An agency incorporating materials by reference shall include one copy of the material with the original final exempt rulemaking package filed with the Office.